

**STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL**

**Minutes of the State Panel Meeting
Held on February 5, 2013**

I. OPENING OF MEETING 11:00 A.M.—One Natural Resources Way, Springfield, IL.

II. PRESENT

John Hartnett, Chairman of the Board; Paul Besson, Member of the Board; James Brennwald, Member of Board; Michael Coli, Member of the Board; Albert Washington, Member of the Board; Melissa Mlynski, Executive Director; Jerald S. Post, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD January 8, 2013

Chairman Hartnett called for approval of the minutes of the January 8, 2013 meeting. Member Washington moved to approve the minutes. Member Besson seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Hartnett asked Executive Director Mlynski to present the State Panel administrative actions report for the period of time from January 1 through January 31, 2013. She presented the report and summarized its highlights. The Board examined the report and discussed it.

V. LEGISLATIVE/FISCAL REPORTS

Executive Director Mlynski reported various legislative issues. She then presented the fiscal report, reviewing in detail the general ledger sheet and the disbursement record. The Board then discussed and questioned various aspects of the fiscal report. Executive Director Mlynski then presented the Board with a mediation report. The Board then discussed and questioned various aspects of the report.

VI. OTHER BOARD MATTERS

After a short discussion regarding whether there was a need for executive session, Member Besson made a motion to leave open session. Member Brennwald seconded the motion, and the Board passed it unanimously, by a voice vote. Chairman Hartnett made a motion to go into executive session to discuss personnel matters pursuant to 5 ILCS 120/2(c)(1). Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote. Subsequently, at the end of the discussion, Member Washington made a motion to leave executive session. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote. Chairman Hartnett then made a motion to return to open session. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

VII. BOARD ACTIONS

**1. Case No. S-CA-10-057
International Brotherhood of Teamsters, Local 700/ Lake County Circuit Clerk**

Chairman Hartnett asked General Counsel Post to call and present the case. General Counsel Post stated that on November 5, 2012, Administrative Law Judge (ALJ) Tarver issued a Corrected Recommended Decision and Order (RDO), finding that the Respondent had violated Section 10(a)(4) and (1) of the Illinois Public Labor Relations Act, by failing to bargain in good faith with the Charging Party. After presenting and discussing Respondent's exceptions, General Counsel Post recommended that the Board affirm the RDO. After discussion, Member Coli moved to accept the ALJ's RDO. Member Washington seconded the motion. The motion failed with two ayes and three nays;

Member Brennwald moved to reverse the RDO, and dismiss the complaint. Member Besson seconded, the motion passed 3-2 with Member Coli and Washington dissenting.

**2. Case Nos. S-CA-11-057, S-UC-11-015, S-UC-11-019
American Federation of State, County and Municipal Employees, Council 31/ International Brotherhood of Teamsters Union, Local 700/ City of Evanston**

Chairman Hartnett asked General Counsel Post to call and present the case. General Counsel Post stated that on October 12, 2012, ALJ Kehoe issued a RDO finding that unfair labor practice charges filed in Case No. S-CA-11-057 by Charging Party against the Employer should be dismissed. In further findings to the unit clarification petitions filed by Charging Party in Case No. S-UC-11-015 and by the Petitioner in Case No. S-UC-11-019, ALJ Kehoe recommended a secret ballot election be conducted. After discussion, Member Besson moved to affirm the RDO. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**3. Case No. S-CA-11-169
Policemen's Benevolent Labor Committee/ County of Bureau and Bureau County Sheriff**

Chairman Hartnett called the case. General Counsel Post asked Counsel Stevens to present the case. Counsel Stevens stated that on August 24, 2012, ALJ Hamburg-Gal issued a RDO alleging violations of Sections 10(a)(4) and (1) as well as Sections 10(a)(2) and (1) of the Act. Counsel Stevens presented and discussed in details the exceptions and responses filed and recommended that the Board accept the ALJ's RDO. After discussion, Member Coli moved to accept the RDO. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**4. Case No. S-RC-10-145
International Brotherhood of Teamsters Union, Local 700/ Lake County Forest Preserve**

Chairman Hartnett called the case noting that no party filed exceptions to ALJ Stevens' RDO and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

**5. Case No. S-RD-12-006
Bruce Auer/ Town of Normal (Public Works Department)/ Laborers International Union of North America, Local 362**

Chairman Hartnett called the case. General Counsel Post presented and stated that on October 2, 2012, ALJ Owen issued a RDO finding that the Incumbent had prevailed in an election and the Board should not decertify its status as exclusive representative of a bargaining unit of employees of the Employer and that two ballots that had been cast by ineligible voters should not be counted. General Counsel Post then discussed in detail the exceptions, cross exceptions and response filed and recommended that the Board reverse the ALJ, order that the two ballots in dispute be counted, and the results re-tallied. After discussion, Member Coli moved to reject the General Counsel's advice and accept the ALJ's recommendation. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

VIII. ADJOURNMENT

Chairman Hartnett called for a motion to adjourn. Member Besson made a motion to adjourn the meeting, and the Board passed it unanimously, by a voice vote.

Adopted and approved by the Chairman and Members of the State Panel of the Illinois Labor Relations Board, this 12th day of March, 2013.